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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/846,687

05/01/2001

Lorrence H. Green

2915

7590
Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow RD
Melville, NY 11747

01/09/2007

EXAMINER

PARKIN, JEFFREY S

ART UNIT

PAPER NUMBER

1648

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

30 DAYS

01/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



TH
Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

DEA/FCE-1994

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/846,687 | 05/01/2001 | Green, L. H. | N/A |

| | |
|--------------------------|--------------|
| EXAMINER | |
| Jeffrey S. Parkin, Ph.D. | |
| ART UNIT | PAPER NUMBER |
| 1648 | 01/05/2007 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The reply filed 10 October, 2006, is not fully responsive to the Office communication mailed 13 September, 2006, for the reason(s) set forth below or on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Since the above-mentioned reply appears to be bona fide, **applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. § 1.136(a).**

Correspondence

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Bruce R. Campell, Ph.D., can be reached at (571) 272-0974. Direct general status inquiries to the Technology Center 1600 receptionist at (571) 272-1600. Informal communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

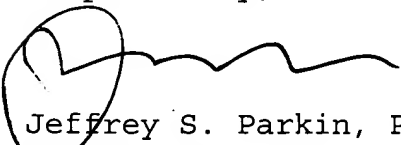
Applicants are reminded that the United States Patent and Trademark Office (Office) requires most patent related correspondence to be: a) faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 C.F.R. § 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence. For further information refer to the Updated Notice of Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence, and Exceptions Thereto, 1292 Off. Gaz. Pat. Office 186 (March 29, 2005).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please direct all replies to the United States Patent and Trademark Office via one of the following: 1) Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE); 2) Mailed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 22313-1450, Alexandria, VA 22313-1450; and 3) Hand Carry, Federal Express, United Parcel Service or other delivery service to: U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA 22314.

Respectfully,



Jeffrey S. Parkin, Ph.D.
Primary Examiner
Art Unit 1648

05 January, 2007

Notice to Comply

Application No.
09/846,687

Applicant(s)
Green, L. H.

Examiner
Jeffrey S. Parkin

Art Unit
1648

Paper No.
01/05/2007

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/846,687B
Source: HW/B
Date Processed by STIC: 10/16/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

Raw Sequence Listing Error Summary

| ERROR DETECTED | SUGGESTED CORRECTION | SERIAL NUMBER: 09/846,687B |
|--|--|----------------------------|
| ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE | | |
| 1 ___ Wrapped Nucleics ___ Wrapped Aminos | The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping." | |
| 2 ___ Invalid Line Length | The rules require that a line not exceed 72 characters in length. This includes white spaces. | |
| 3 ___ Misaligned Amino ___ Numbering | The numbering under each 5 th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead. | |
| 4 ___ Non-ASCII | The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text. | |
| 5 ___ Variable Length | Sequence(s) ___ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing. | |
| 6 ___ PatentIn 2.0 ___ "bug" | A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences. | |
| 7 ___ Skipped Sequences ___ (OLD RULES) | Sequence(s) ___ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) • This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences. | |
| 8 ___ Skipped Sequences ___ (NEW RULES) | Sequence(s) ___ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000 | |
| 9 ___ Use of n's or Xaa's ___ (NEW RULES) | Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents. | |
| 10 ___ Invalid <213> ___ Response | Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence. (see item 11 below) | |
| 11 ___ Use of <220> | Sequence(s) ___ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section or use "chemically synthesized" as explanation. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32), also Sec. 1.823 of Sequence Rules | |
| 12 ___ PatentIn 2.0 ___ "bug" | Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk. | |
| 13 ___ Misuse of n/Xaa | "n" can only represent a single <u>nucleotide</u> ; "Xaa" can only represent a single <u>amino acid</u> | |



IFW16

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/846,687B

DATE: 10/16/2006
TIME: 12:16:26

Input Set : A:\PTO.SS.txt
Output Set: N:\CRF4\10162006\I846687B.raw

3 <110> APPLICANT: Lorrence H. Green
5 <120> TITLE OF INVENTION: A Method and Vaccine for the Prevention of AIDS.
W--> 0 <130> FILE REFERENCE:
7 <140> CURRENT APPLICATION NUMBER: US 09/846,687B
9 <141> CURRENT FILING DATE: 2001-05-01
11 <160> NUMBER OF SEQ ID NOS: 3

13 <210> SEQ ID NO: 1
14 <211> LENGTH: 45
15 <212> TYPE: PRT
16 <213> ORGANISM: Artificial Sequence
W--> 17 <220> FEATURE: Chemically Synthesized
W--> 19 <223> OTHER INFORMATION: ⚡
W--> 19 <400> 1

21 Tyr Ser Gln Tyr Gln Phe Trp Lys Asn Phe Gln Thr Leu Lys Ile Leu
22 1 5 10 15
24 Gly Leu Val Leu Pro Leu Leu Val Met Val Ile Cys Tyr Ser Gly Ile
25 20 25 30
27 Leu Lys Thr Leu Leu Arg Cys Arg Asn Glu Lys Lys Arg
28 35 40 45

30 <210> SEQ ID NO: 2
31 <211> LENGTH: 45
32 <212> TYPE: PRT
33 <213> ORGANISM: Artificial Sequence
W--> 34 <220> FEATURE: Chemically Synthesized
W--> 36 <223> OTHER INFORMATION: ⚡
W--> 36 <400> 2

38 Tyr Thr Gln Tyr Gln Phe Trp Lys Asn Phe Gln Thr Leu Lys Ile Leu
39 1 5 10 15
41 Gly Leu Val Leu Pro Leu Leu Val Met Val Ile Cys Tyr Ser Gly Ile
42 20 25 30
44 Leu Lys Thr Leu Leu Arg Cys Arg Asn Glu Lys Lys Arg
45 35 40 45

47 <210> SEQ ID NO: 3
48 <211> LENGTH: 45
49 <212> TYPE: PRT
50 <213> ORGANISM: Polypeptide sp.
W--> 51 <220> FEATURE: Chemically Synthesized
53 <400> SEQUENCE: 3

55 Tyr Ser Gln Tyr Gln Phe Trp Lys Asn Phe Gln Thr Leu Lys Ile Leu
56 1 5 10 15
58 Gly Leu Val Leu Pro Leu Leu Val Cys Val Ile Cys Tyr Ser Gly Ile
59 20 25 30
61 Leu Lys Thr Leu Leu Arg Cys Arg Asn Glu Lys Lys Arg

*see item 4 on Euro
summary
sheet*

*move this to <223> line.
<220> is a header only.
Does Not Comply
Corrected Diskette Needed
never
has a
response.*

*insert <220> wherever
<221>, <222>, or <223>
is present.
e.g. <220>
<223> chemically
Synthesized*

*invalid response. see item 10 on Euro summary
sheet.*

<223> move to <223> line

RAW SEQUENCE LISTING

DATE: 10/16/2006

PATENT APPLICATION: US/09/846,687B

TIME: 12:16:26

Input Set : A:\PTO.SS.txt

Output Set: N:\CRF4\10162006\I846687B.raw

62

35

40

45

3-

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/846,687B

DATE: 10/16/2006

TIME: 12:16:27

Input Set : A:\PTO.SS.txt

Output Set: N:\CRF4\10162006\I846687B.raw

L:0 M:201 W: Mandatory field data missing, <130> FILE REFERENCE
L:17 M:283 W: Missing Blank Line separator, <220> field identifier
L:17 M:256 W: Invalid Numeric Header Field, <220> has non-blank data
L:19 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ#:1, <213>
ORGANISM:Artificial Sequence
L:19 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:1,Line#:19
L:34 M:283 W: Missing Blank Line separator, <220> field identifier
L:34 M:256 W: Invalid Numeric Header Field, <220> has non-blank data
L:36 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ#:2, <213>
ORGANISM:Artificial Sequence
L:36 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:2,Line#:36
L:51 M:283 W: Missing Blank Line separator, <220> field identifier
L:51 M:256 W: Invalid Numeric Header Field, <220> has non-blank data